

Amendments to the Drawings

The enclosed two replacement sheets of drawings include changes to figures 7 and 8. The word “to” is replaced with “too” in two places on each drawing sheet to correct the spelling. Annotated drawing sheets showing where the changes have been made are also enclosed.

Remarks

In the Office Action of February 27, 2006, an election/restriction requirement was made to claims 1-24 as Group 1, claims 25-33 as Group II, and claims 34-61 as Group III. During a telephone conversation with the undersigned attorney on 2/15/06, a provisional election was made with traverse to prosecute claims 25-33. Accordingly, claims 1-24 and 34-61 were withdrawn from consideration by the Examiner.

Although the Applicants do not necessarily agree with the grounds for election/restriction recited in the Office Action, they now withdraw the traverse of the election/restriction requirement in order to expedite examination of the application. Therefore, the withdrawn claims 1-24 and 34-61 are herein canceled without prejudice to the Applicants' rights to present the canceled claims in one or more continuing or divisional applications.

The drawings have been objected to because figures 7 and 8 misspell the word "too." In response, the applicants have provided amendments to the drawings with corrected replacement sheets of drawing figures 7 and 8.

Claims 25-30 and 33 have been rejected under 35 USC 102(e) as being anticipated by Altshuler et al. (6,015,404). The applicants respectfully traverse the rejection. Altshuler et al employs a fiber optic cable to conduct laser energy to skin surface. The applicants' method does not relate to a conductor for optical transmission of laser energy, but rather to a method in which electrical power is supplied to electrically conductive elements such as electrodes in order to ablate tissue. To clarify the distinction between the applicants' conductive elements and the optically conductive elements of Altshuler et al, the Applicants have amended independent claim 25 to recite the use of an electrode which is supplied electrical power to effect the ablation. Altshuler et al makes no such disclosure of electrical power to effect ablation through an electrode. Therefore, the rejection of claim 25 and dependent claims 26-30 and 33 under 35 USC 102(e) should be withdrawn.

Claims 31 and 32 have been rejected under 35 USC 103(a) as being unpatentable over Altshuler et al in view of Vesely et al (6,246,898). The Applicants respectfully traverse the rejection. Vesely et al discloses a system for 3D tracking and imaging of

medical instruments in which some programmable transceivers generate ultrasonic signals which are received by other transceivers to enable computation of distance between the transceivers. The transceivers in this system may be piezoelectric elements. However, there is no indication in Vesely et al that the transceivers and related circuitry disclosed would respond to the skin vibrations disclosed in Altshuler et al or measure the intensity of such vibrations. In fact, the person skilled in the art would expect that the Vesely et al device would not respond to stray sounds created in the ordinary course of surgical treatment. If stray sounds were readily detected by the transceivers, they could confuse the transceivers and make the Vesely et al system unreliable for its intended purpose. In fact, Vesely et al indicates that signal processing is used to prevent noise from corrupting communication between the transceivers (see Vesely et al, col. 14, lines 62-67). The transceivers of Vesely et al are designed for listening for the signals provided by each other and not the skin tissue vibrations of Altshuler et al. The Examiner points to the recitation in Vesely et al at col. 1:61 through col. 2:42 as providing fivefold reasons to combine the sensing means in Vesely et al with Altshuler et al. The Applicants respectfully disagree. That entire text relates only to the problems of measuring distance between pairs of piezoelectric crystals by having the crystals signal each other, and fails to suggest anything about receiving or measuring the intensity of vibrations of tissue. For these reasons, the rejection under 35 USC 103(a) should be withdrawn.

The Applicants have added two sets of new claims as claims 62-79. The first set of claims is directed specifically to a method for the treatment of heart tissue within the body cavity of a patient. Support for these claims can be found throughout the application but particularly at page 6, lines 10-12. The second set of claims is directed to a treatment in which electrical power is applied to the conductive element and an ionic fluid between the conductive element and the tissue. Support for these claims can be found throughout the application but particularly at the paragraph starting at page 20, line 9.

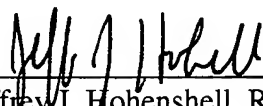
Reconsideration and allowance of the application, as amended, is respectfully requested.

A supplemental information disclosure statement was mailed in this case on February 9, 2006. Applicants respectfully request an initialed copy of that statement with the next official action.

A petition for a three month extension of time accompanies this response. Please charge \$1020.00 to Deposit Account No. 13-2546 for the three month extension of time. Please charge any additional required fees or credit any overpayment to Deposit Account No. 13-2546.

Respectfully Submitted,

Dated: August 22, 2006



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FIG. 8

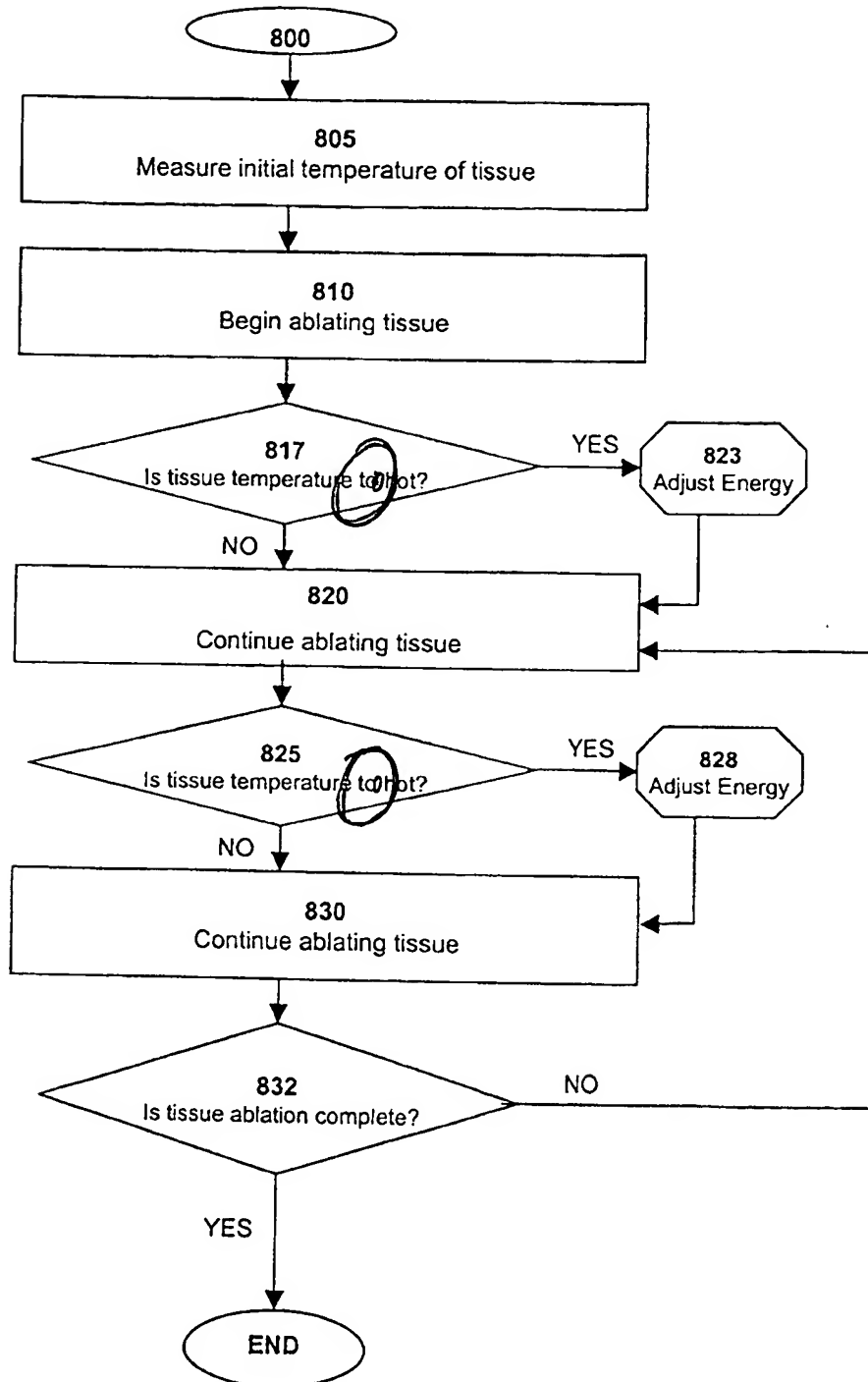




FIG. 7

